

Panaji, 21st September, 2017 (Bhadra 30, 1939)

SERIES II No. 25

OFFICIAL GAZETTE

GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

Note:- There are three Extraordinary issues to the Official Gazette, Series II No. 24 dated 14-09-2017 as follows:—

- (1) Extraordinary dated 15-09-2017 from pages 1531 to 1536 regarding Notification from Department of Elections.
- (2) Extraordinary (No. 2) dated 18-09-2017 from pages 1537 to 1538 regarding Notification from Department of Commercial Taxes.
- (3) Extraordinary (No. 3) dated 20-09-2017 from pages 1539 to 1548 regarding Notification from Department of Elections.

GOVERNMENT OF GOA

Department of Agriculture

Directorate of Agriculture

Order

No. 8/15/2017-18/D.Agri/147

Read: 1) Order No. 8/78/2016-17/D.Agri/81 dated 14-06-2016.

Government is pleased to grant extension of ad hoc promotion to the following Group 'A' Officers of this Department for the period mentioned against their names on the same terms and conditions as indicated in the above referred Order.

| Sr. No. | Name & Designation of the Officers | Date of Extension |
|---------|------------------------------------|---------------------------|
| 1. | Shri Madhav B. Kelkar | 15-06-2017 to 30-09-2017. |
| 2. | Shri Nevil Alphonso | 15-06-2017 to 30-09-2017. |
| 3. | Smt. Ana Dias e Camara | 15-06-2017 to 30-09-2017. |

This is issued with due concurrence of the Goa Public Service Commission vide their letter No. COM/II/11/2(1)/2017/710 dated 24-08-2017.

By order and in the name of the Governor of Goa.

U. B. Pai Kakode, Director & ex officio Joint Secretary (Agriculture).

Tonca-Caranzalem, 7th September, 2017.

Order

No. 2/25/2017-18/D.Agri (Part)/154

On the recommendation of the Goa Public Service Commission vide their letter No. COM/II/12/2(1)/2014/832 dated 24-08-2017, the probation period of the following Assistant Agricultural Officers, Group 'B' Gazetted Officers of this Directorate in the pay band of PB-II Rs. 9,300-34,800+4,200/- Grade Pay (Level-6 in the 7th Pay Commission Matrix) have been lifted as they have completed probation period satisfactorily as shown below and they also have been confirmed against the post of Assistant Agricultural Officer with immediate effect.

| Sr. No. | Name of the Officer | Date of joining in regular service as Assistant Agricultural Officer | Date of completion of probation period |
|---------|---|--|--|
| 1. | Shri Rudresh R. Kambli | 08-08-2013 | 07-08-2015. |
| 2. | Shri Govind V. Parab | 16-08-2013 | 15-08-2015. |
| 3. | Shri Pandurang G. Desai | 10-12-2014 | 09-12-2016. |
| 4. | Kum. Sonia S. Mote | 25-11-2014 | 24-11-2016. |
| 5. | Kum. Pradnya Pravin Gaude Priolkar (ST) | 01-01-2015 | 31-12-2016. |

By order and in the name of the Governor of Goa.

U. B. Pai Kakode, Director & ex officio Jt. Secretary (Agriculture).

Tonca, Caranzalem, 14th September, 2017.

Department of Education, Art & Culture

Directorate of Art and Culture

Order

No. DAC/CS-V/T.P./Comm./2017-18/3740

Government is pleased to constitute State Level Tripurari Poornima Celebration Committee under the Chairmanship of Hon'ble Minister for Art & Culture, to organise Tripurari Poornima Festival 2017, as under:

| Sr. No. | Name of the Committee Members | Status |
|---------|---|----------------------|
| 1. | Shri Govind Gaude, Hon. Minister for Art & Culture | Chairman. |
| 2. | Dr. Pramod Sawant, Hon. Speaker, Goa Legislative Assembly | Vice Chairman. |
| 3. | Shri Pravin Zantye, M.L.A., Maem | Vice Chairman. |
| 4. | Chairman, GTDC | Member. |
| 5. | Secretary, Art & Culture | Member. |
| 6. | Director of Information & Publicity | Member. |
| 7. | Director, Dept. of Tourism | Member. |
| 8. | Managing Director, GTDC | Member. |
| 9. | Principal, Goa College of Art, Panaji | Member. |
| 10. | Deputy Collector, Bicholim | Member. |
| 11. | Chairman, Sankhali Municipal Council | Member. |
| 12. | President, Deepawali Utsav Samithi, Vitthalapur | Member. |
| 13. | Secretary, Shree Vitthal Devasthan, Vitthalapur | Member. |
| 14. | Sarpanch, Village Panchayat Karapur, Sarvan | Member. |
| 15. | Superintendent of Police (North) | Member. |
| 16. | Dy. SP, Traffic (North) | Member. |
| 17. | SDPO, Bicholim | Member. |
| 18. | Chief Officer, Sankhali Municipal Council | Member. |
| 19. | Executive Engineer, PWD, Divisional Office, WD-V, Panaji | Member. |
| 20. | Shri Sagar Jawdekar, Panaji-Goa | Convener. |
| 21. | Shri Prasad Lolayekar, Director of Art & Culture | Member Secretary. |

The Committee shall advise the Government in the organisation of Tripurari Poornima Festival 2017

that will be held at Vithalapur, Sankhali-Goa on 3rd November, 2017.

By order and in the name of the Governor of Goa.

Prasad V. Lolayekar, Director & ex officio
Jt. Secretary (Art & Culture).

Panaji, 5th September, 2017.

Department of Forest

Notification

No. 2/185/2003-FOR/323

In exercise of the powers conferred by Section 6 of the Wildlife (Protection) Act, 1972 (Central Act 53 of 1972), read with Section 21 of the General Clauses Act, 1897 (Central Act 10 of 1897), the Government of Goa hereby amends the Government Notification No. 2/185/2003/FOR/214 dated 05-08-2016 published in the Official Gazette, Series II No. 20 dated 18th August, 2016 (hereinafter referred to as the "Principal Notification") as follows, namely:-

In the Principal Notification,-

(i) for the existing entries against serial Nos. (1), (3), (4) and (5), the following entries shall be respectively substituted, namely:-

- "1. Shri Manohar G. Parrikar, ... Chairperson.
Hon. Chief Minister
3. Shri Prasad Gaonkar, ... Member.
MLA, Sanguem
4. Shri Nilesh Cabral, ... Member.
MLA, Curchorem
5. Shri Deepak Prabhu ... Member";
Pauskar, MLA, Sanvordem

(ii) entry against serial No. 2 shall be omitted.

This Notification shall come into force with immediate effect.

By order and in the name of the Governor of Goa.

Shaila G. Bhosle, Under Secretary (Forests).
Porvorim, 7th September, 2017.

Department of General Administration

Order

No. 14/8/2001-GAD-III-Part-I/2758

Ex-post facto approval of the Government is hereby conveyed to extend the ad hoc promotion of

Smt. Ana C. Marques Fernandes, Section Officer, in the Secretariat, Porvorim-Goa for the following periods as mentioned below:-

Period of Extension

- 1) From 11-07-2015 to 10-07-2016 (Ex-Post facto).
 - 2) From 11-07-2016 to 10-07-2017 (Ex-Post facto).
 - 3) From 11-07-2017 to 30-09-2017.
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This issues with the concurrence of the Goa Public Service Commission as conveyed vide their letter No. COM/II/11/42(4)/2012/698 dated 21-08-2017.

By order and in the name of the Governor of Goa.

Varsha S. Naik, Under Secretary (GA-I).

Porvorim, 8th September, 2017.



Department of Handicrafts, Textile & Coir

Order

No. 2/7/2014/HT&C/128

On the recommendation of the Goa Public Service Commission as conveyed vide their letter No. COM/II/11/75(1)/2017/726 dated 04-09-2017, ex-post facto approval of the Government is hereby conveyed to extend the ad hoc promotion of Shri Soma Gawas, Technical Officer, Group "B" Gazetted in the Department of Handicrafts, Textile & Coir, Panaji for the interim period w.e.f. 06-11-2016 to 10-08-2017.

By order and in the name of the Governor of Goa.

Smita Hede, Under Secretary (HT & C).

Porvorim, 11th September, 2017.



Department of Home

Home—General Division

Order

No. 21/7/2014-HD(G)/2642

Every year, the Government observes dry day on 2nd October, in order to pay homage and respect to the Father of the Nation.

In this regard, all the Casino licensees shall stop the operation of the Casinos in the State of Goa on 2nd October, 2017 [from 12.00 a.m. midnight to 12.00 a.m. midnight (24 hours)] in order to pay homage and respect to the Father of the Nation.

The above directions shall be adhered to scrupulously.

This is issued in public interest.

By order and in the name of the Governor of Goa.

Neetal P. Amonkar, Under Secretary (Home).

Porvorim, 11th September, 2017.



Department of Labour

Notification

No. 28/9/2017-LAB/Part-II/640

The following award passed by the Industrial Tribunal and Labour Court, at Panaji-Goa on 28-07-2017 in Appln. No. 2/2016 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

Georgina Saldanha, Under Secretary (Labour).

Porvorim, 12th September, 2017.



IN THE INDUSTRIAL TRIBUNAL AND
LABOUR COURT

GOVERNMENT OF GOA
AT PANAJI

(Before Shri Vincent D'Silva, Hon'ble Presiding Officer)

Appln. No. 2/2016

Shri Arun D. Mairekar,
H. No. 79, Sadashivnagar,
Dharbandora, Goa.

... Applicant/Party I

V/s

M/s. Kadamba Transport
Corporation Ltd.,
Paraise de Goa,
Alto, Porvorim-Goa.

... Opponent/Party II

Applicant/Party I represented by Ld. Adv. Shri A. Kundaikar.

Opponent/Party II represented by Ld. Adv. Shri P. Agrawal.

AWARD

**(Delivered on this the 28th day of the month
of July of the year 2017)**

This is an application filed by the Applicant under Section 2-A(2) of the Industrial Disputes Act, 1947 (for short The Act).

2. Briefly stated, the case of the Applicant is as follows:

The Applicant/Party I was working as Heavy Vehicle Driver badge No. 1077 and was posted at Margao depot at the time of discharge of the services on medically unfit ground. During the service tenure, the Party I was posted at various inter-states routes. The services of the Party I was utilized for highway routes due to which there was cascading effect on the health of the workman. There is no restroom due to which the workman had to sleep in the vehicle and food consumed by the workman at night out was substandard. The Party I applied for leave on medical ground and availed the same and on reporting for the duties, the Party I was issued with a chargesheet for absenteeism which was effectively replied by him vide reply dated 10-02-12. The Party I was referred to Goa Medical College, Bambolim for medical examination vide letter dated 23-11-2012 and on examination of the Party I, medical report dated 23-11-2012 was sent to the employer.

3. On perusal of the report, the Personnel Manager was pleased to issue a show cause notice dated 18-12-2012 and that the Party I filed a reply dated 21-12-2012. On perusal of the reply to the Show cause notice, the Personnel Manager was pleased to discharge the services of the Party I on the ground that he was medically unfit by Order dated 9-01-2013. The Party I aggrieved with the certificate dated 23-11-2012 approached the Medical Board for reconsideration of the medical certificate issued by the Medical Authorities and that the Medical Board after conducting various tests against the Party I issued a medical certificate duly processed by the authorised Medical Board of the college wherein it is certified that the Party I can be rehabilitated as class 4 staff. Under Clause 4(b) of the Certified Standing Orders, it is specifically mentioned that if the workman is aggrieved by the certificate issued by the Medical Authorities then the workman could approach the Medical Board of the Government against the decision of the Medical Authorities whose decision shall be final and binding on the parties. The Personnel Manager has no powers to terminate the services of the workman as provided under the Certified Standing Orders of the Corporation and since the order of discharge is passed by the Personnel Manager, the same is illegal and not tenable in the eyes of the law and liable to be set aside as the same is in violation of the Certified Standing Orders of the Corporation.

4. The Party I approached the employer with the slender hope that he shall be permitted to join the duties but without any success and that the Party I being unsuccessful with the attempt, raised the dispute before the Conciliation Officer for resolving the issues. Despite of the expiry of forty five days from the date of the application, the Conciliation Officer failed to adjudicate the dispute referred to therein and therefore the present application was filed before the Hon'ble Tribunal for adjudication of the dispute in accordance with the provisions of the Act. The Conciliation Officer also failed to seek compliance report from the employer in respect of the status of the employment. The Party I is unemployed from the date of discharge from the service till date and that he had approached several offices for employment but was not successful in getting the employment. The action of the employer in retrenching the services of the Party I is illegal. The Party I is grossly discriminated against the whims and caprices of unmoving bureaucracy. The discharge from the services is void and unjustified and that the Party I is entitled for re-instatement in services with full back wages and continuity in services. Hence, the application.

5. The Respondent/Party II filed a Written statement inter alia contending that the application has been made without following the mandate of Section 2-A(2) of the Industrial Disputes Act, 1947 and that no demand for re-instatement was made by the Party I before taking up with the Asst. Labour Commissioner and that the dispute is barred by delay and laches. Party II is a State Transport Undertaking under the purview of the Motor Transport Act, 1988. The employees of the Party II are governed by its own Certified Standing Orders and that the service conditions of the employees of the Party II are specified in the Certified Standing Orders of the Corporation and the Memorandum of Settlement drawn between the management of Party II and its workmen from time to time. Party I joined the services of the Party II as substitute driver w.e.f. 23-3-1988 on daily wages. The Party I was thereafter taken in service on probation w.e.f. 1-10-1998 for initial period of three months and was thereafter confirmed in the services and that the past record of the Party I was not unblemished and was issued various punishments for misconducts on his part.

6. The Party I remained absent from his duty from 30-10-2011 till 25-1-2012 on account of his sickness and a chargesheet dated 25-1-2012 was issued to him for such unauthorized absence w.e.f. 30-10-2011 till 25-2-2012 and was called upon to give his explanation within 7 days of the receipt

of the same and that in reply dated 10-2-2012 to the chargesheet dated 25-1-2012, the Party I has informed that he is taking Aryurvedic treatment for his health and that he may be given light duties like depot duty or mini buses driving during the period of his treatment and that the Party I remained absent till 18-7-2012 even after the receipt of the chargesheet and his explanation to the same. The Party I came to report for work on 20-7-2012 and that the Party I is not fit to drive heavy vehicles, for which the Party I was employed and as such decided to take an opinion of the Goa Medical Board of the Goa Medical College and Hospital, Bambolim-Goa and that the Party I was referred to the Medical Board of the Goa Medical College and Hospital for Bambolim. Party I took the said letter and went to the GMC and thereafter did not report for work and continued to remain absent unauthorisedly.

7. Party I reported to the Department of Medicine of the Goa Medical College and after examination of the Party I, the Medical Board opined that the Party I is found to be suffering from chronic optic neuritis both eyes with peripheral neuropathy and that the Party I is not fit to continue his work as a heavy vehicle driver and that the drivers who are driving passenger vehicles should be fit to drive such vehicles and any defect in his eyes and/or physical incapacity would endanger the life of the passengers as well as the public on the roads. The Party I was issued a Show cause notice dated 18-12-2012 directing him to Show cause as to why he should not be discharged from the Corporation as per clause 4(b) of the Certified Standings Orders of the Party II. The Party I thereafter filed his explanation dated 21-12-2012 and after scrutinizing the same found it far from satisfactory and the Party I was issued order dated 9-01-2013 stating that the Party I being declared medically unfit by the Goa Medical College & Hospital is discharged from the services of the Corporation with immediate effect.

8. The final settlement of the Party I was made vide letter dated 25-2-2013 and that the Party I did not dispute the discharge for more than two years and that the Party I disputed the said order of discharge before the ALC, Panaji vide his letter dated 7-9-2015, however, no such demand was made to the Party II by the Party I before approaching the ALC, Panaji. The Party I thereafter himself approached the Goa Medical College, Bambolim for further examination after a period of three years and that the Medical Board of Goa Medical College again examined him and issued a

certificate dated 16-7-2015 and that as per the Medical Certificate issued by the Medical Board, Party I's sickness has been caused by his previous alcoholic habits and that on account of this past history and the past records of the Party I, the Party II could not consider the case of the Party I even for alternate employment and that the action of the Party II in discharging the Party I from service is legal, justified and no interference is called for.

9. The Applicant/Party I filed a rejoinder at Exhibit 7 denying the case put forth by Opponent/Party II in the written statement. It is stated that the employer had made inconsistent averments contrary to the pleadings of the workman and have incorporated new facts inconsistent with the plea of the workman. The workman had applied for leave on medical ground and availed the same and on reporting for the duties, the workman was issued a chargesheet for absenteeism which was effectively replied by him vide reply dated 10-2-2012.

10. Issues framed at Exhibit 8 are as follows:

- 1) Whether the Party I proves that his discharge from the services on 09-01-2013 on medically unfit ground is illegal and unjustified?
- 2) Whether the Party I proves that he is entitled for reinstatement in services with full back wages and continuity in services with consequential benefits?
- 3) Whether Party II proves that the application is not maintainable as it was not made by following mandate of Section 2-A(2) of the Industrial Disputes Act and that no demand for re-instatement was made with Assistant Labour Commissioner, Panaji?
- 4) What Order? What Relief?

11. In the course of evidence, the Applicant/Party I examined himself as witness and produced on record an affidavit-in-evidence at Exb. 10, a copy of charge sheet dated 25-1-2012 at Exb. 11, a copy of reply to charge sheet dated 10-2-2012 at Exb. 12, a copy of Show cause notice dated 18-12-2012 at Exb. 13, a copy of Order dated 9-1-2013 at Exb. 14, a copy letter dated 20-7-2012 for medical examination at Exb. 15 colly, a copy certificate dated 16-7-2015 along with letter dated 22-8-15 issued by Medical Board at Exb. 16 colly, a copy of representation in respect of termination order dated 9-1-13 at Exb. 17, a certificate dated 23-11-12 issued by Medical Board of GMC at Exb. 18, a copy of reply dated 21-12-12 at Exb. 19 and a copy of

representation/appeal against dismissal order dated 5-9-2015 at Exb. 20. On the other hand, the Opponent/Party II examined Shri Vidhyadhar Harmalkar as their witness and produced on record an affidavit-in-evidence at Exb. 22 and a copy of Order dated 12-3-1984 along with Certified Standing Orders at Exb. 23 colly.

12. Heard arguments.

13. I have gone through the records of the case and have duly considered the submissions made by the learned advocates for Parties. I am reproducing herewith the issues along with their findings and reasons thereof.

| | | |
|-------------|-----|---------------------|
| Issue No. 1 | ... | In the affirmative. |
| Issue No. 2 | ... | In the affirmative. |
| Issue No. 3 | ... | In the negative. |
| Issue No. 4 | ... | As per final order. |

REASONS

Issues No 1:

14. Ld. Adv. Shri A. Kundaikar for Party I has submitted that the Party I was working as heavy vehicle driver and was posted at Margao Depot at the time of his discharge from services on medically unfit ground and that during the service tenure he was posted at various inter states routes due to which there was cascading effect on his health and that he had to apply for leave on medical ground and availed the same. He was issued a chargesheet for absenteeism and thereafter referred to Goa Medical for medical examination which opined that Party I was found to be suffering from chronic optic neuritis both eyes and that he is not fit to continue his work as heavy driver. The Party I was not dismissed on the ground of absenteeism but on medical grounds. The Party I had approached the Medical Board in terms of clause 4(b) of Certified Standing Orders as an aggrieved Party is free to approach the Medical Board of the Government against the decision of the Medical Authorities. He further submitted that the Medical Board has also declared him medically unfit but claimed that he can be rehabilitated as a class 4 staff, however the Party II through Personnel Manager discharged his services from the Corporation with immediate effect, which is illegal and not tenable in the eyes of law.

15. Ld. Adv. Shri A. Kundaikar for Party I also submitted that Clause 37 of the Certified Standing Orders stipulates that Standing Orders shall not derogate any laws being in force to the prejudice of any right under a contract of service, custom or usage. According to him, the Party II is a State

Undertaking and under Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, no establishment shall dispense with, or reduce in rank, an employee who acquires a disability during his service, provided that, if an employee, after acquiring disability is not suitable for the post he was holding, he could be shifted to some other post with the same pay scale and service benefits. He submitted that the Party I contracted the disability as stipulated in Section 2(i)(ii) of the above Act during the course of his services. The Party II instead of rehabilitating him in terms of Section 47 of the above Act unauthorisedly discharged the Party I from the service, although the Party II had admittedly rehabilitated some of the workers in service by invoking the provisions of the Act. The action of Party II is therefore bad-in-law and illegal. In support of his contention, he relied upon the cases of (1) **Kunal Singh vs Union of India and Anr, 2003(2) ALL MR 369 (S.C)** (2) **Ashok Dhondur Ahire vs. Assistant Director (A) the Director General, Information and Public Relations & Anr., 2016(1) ALL MR 100** and (3) **Dilbagh Singh vs. Delhi Transport Corporation, 2006 LLJ 480**.

16. Per contra, Ld. Adv. Shri P. Agrawal has submitted that the medical certificate at Exb. 18 has not been issued by Medical Authorities as stipulated in clause 4 of the Certified Standing Orders. The Party I remained absent from duty from 30-10-2011 on account of his sickness and the chargesheet was issued for his unauthorized absence. The Party I continued to remain absent till 18-7-2012 even after receipt of the chargesheet and the Party II on realizing that he is not fit to drive heavy vehicles for which he was employed, decided to take opinion of Goa Medical Board and the Medical Board opined that he is suffering from low vision. The Party I was issued a Show cause notice directing him to reply as to why he should not be discharged from the Corporation as per clause 4(b) of the Certified Standing Orders, to which Party I replied and after scrutinizing the same found that it was not satisfactory and therefore by order dated 9-01-2013 discharged him from service with immediate effect. The Party I also approached Goa Medical College which issued a certificate dated 15-7-2015 that he is unfit to continue working as bus driver for heavy vehicle as it cannot be predicted as to when he may relapse into alcohol dependence. The Party II could not consider Party I even for alternate employment on account of his past history and therefore the action of Party II in discharging Party I from service is legal and justified.

17. Admittedly, a chargesheet was issued to the Party I dated 25-1-2012 at Exb. 11 on the ground that the Applicant has violated clause 24 A(ii), 28 (xviii) and 28 (xxv) for remaining absent without intimation or prior permission; habitual absence without leave or absence for more than five consecutive days or overstaying; breach of any rules or instruction given by any superior for proper functioning or safety of the establishment. The Party I was directed to explain in writing from seven days of issue of chargesheet as to why necessary action as per the provisions of the Certified Standing Orders of the Corporation should not be taken against him. There is no dispute that the Party I filed a reply dated 10-2-2012 wherein he stated that he requested their Duty Master to give him light duties as he was in need to take Ayurvedic treatment for his health, but they did not listen and after some days he requested his superior to grant him some days leave but his leave application was not sanctioned. He also informed the Duty master by way of telephonic message regarding his inability to join duty and that he always obeyed the instructions of the superiors and worked regularly. The witness of Party II, Shri Vidhyadhar Harmalkar has admitted that no departmental enquiry was conducted in respect of chargesheet dated 25-1-2012 at Exb. 11 and that the said charge sheet does not mention about the medical ground and that he was not charge sheeted on any medical ground. No action was initiated against the Party I pursuant to the chargesheet for absenteeism as stated therein and the matter was allowed to be rested, as it was.

18. It is a matter of record that a Show cause notice was issued to the Party I dated 18-12-2012 at Exb. 13 alleging that Party I was noticed to be habitually absent and under influence of alcohol and that he was referred to Goa Medical College, Bambolim for examination and the Medical Board had informed that the Party I is suffering from Chronic Optic Neuritis both eyes with peripheral neuropathy, hence unfit to work as heavy vehicle driver. There is no dispute that considering the report of medical examination, the Party I was discharged from services with immediate effect as heavy vehicle driver under clause 4(b) of Certified Standing Orders of the Corporation by order dated 9-01-2013 at Exb. 14. The said discharge order was issued by Shri T. K. Pawase, Personnel Manager of the Corporation.

19. Ld. Adv. Shri A. Kundaikar has submitted and rightly so that the Personnel Manager has no powers to terminate the services of Party I as provided under Certified Standing Orders of the

Corporation. Clause 29(C)(i) of the Certified Standing Orders at Exhibit 23 colly states that the Manager or an Officer of the Corporation authorised in this behalf may institute an enquiry against the workman before imposing on him any of the punishment listed therein. The 'Manager' has been defined under Clause 2 (c) as General Manager or Depot Manager or the person for the time being Managing the establishment and includes any other officers duly authorised to exercise powers of the Manager, such authorization being notified to the workmen by displaying it on Notice Boards of the establishments and the 'Competent Authority' under Clause 2 (i) means the General Manager, Deputy General Manager, Depot Manager or any other officer of Corporation duly appointed by the Managing Director and notified. There is no dispute that the chargesheet dated 25-1-2012 at Exb. 11 was issued by Dy. General Manager & (TRF), Disciplinary Authority, however the Show cause notice dated 18-12-2012 at Exb. 13 and the Discharge order dated 9-01-2013 at Exhibit 14 were issued by one Shri T. K. Pawase, the Personnel Manager and not by the Competent Authority as provided by the Certified Standing Orders of the Corporation.

20. The witness of Party II, Shri Vidhyadhar Harmalkar in cross examination has admitted that the Disciplinary Authority of Party II is the General Manager of the Corporation and that the powers of General Manager are exercised by the Dy. General Manager. He however claimed that he as a Personnel Manager has powers to dismiss the employee of the Corporation and the said powers are vested in the Certified Standing Orders and when he was confronted with Certified Standing Orders at Exb. 23 colly, he admitted that the Certified Standing Orders does not provide for dismissal of the employee of the Corporation by Personnel Manager, however added that the powers have been delegated by the Managing Director to any Manager to exercise the disciplinary powers. No documents have been produced including the power of delegation in favour of above witness or said Shri T. K. Pawase. It is also not provided in the Certified Standing Orders as admitted by him. It is therefore the Personnel Manager has no authority to either issue a Show cause notice at Exb. 13 or the dismissal order at Exb. 14 and therefore the dismissal order issued by the Personnel Manager is illegal and bad-in-law.

21. Admittedly, the Dismissal order was issued in terms of clause 4(b) of Certified Standing Orders, which reads as follows:

'If during the course of workman's employment, management has reasons to believe that a workman is not medically fit to discharge his duties, the management shall have the right to direct such a workman to appear before the Medical Authorities for a medical checkup or to a periodical medical examination. Thereafter, if the Company's Medical Authorities declares that the workman is medically unfit permanently, he shall be forthwith discharged from the services of the Corporation. The aggrieved Party shall be free to approach the medical Board of the Government against the decision of Medical Authorities, whose decision will be final and binding on the parties.'

22. The witness of Party II, Shri Vidhyadhar Harmalkar has admitted that as per Show cause notice dated 18-12-2012 at Exb. 13, it is mentioned that the aggrieved Party is free to approach the Medical Board of the Government against the decision of Medical Authorities whose decision would be final and binding on the parties and that as per 4(b) of Certified Standing Orders, the above remedy was provided. He also admitted that the discharge of the workman is subject to the decision of the Medical Board and that the workman had approached the Medical Board and the Medical Board issued a certificate at Exb. 16 Colly(2) that the Party I can be rehabilitated as class 4 staff. He also admitted that in the certificate dated 23-11-2012 at Exb. 18, it is nowhere mentioned that the workman is unfit to continue his work as a heavy vehicle driver permanently. Be that as it may, there is no dispute that the Party I was discharged vide order dated 9-1-2013 from the services of the Corporation with immediate effect on the ground that he was declared medically unfit by the Medical Board of Goa Medical College. The question therefore is whether the discharge of Party I by Party II is legal or whether it is in derogation of Certified Standing Orders applicable to the parties.

23. Clause 37 of the Certified Standing Orders reads as follows:

'Nothing contained in these Standing Orders shall operate in derogation of any law for the time being in force or to the prejudice of any right under the contract of service, custom or usage or an agreement, settlement or award applicable to the establishment.'

24. The witness of Party II, Shri Vidhyadhar Harmalkar has admitted that nothing contained in the Certified Standing Orders shall operate in

derogation of any law for time being in force, which means that the Certified Standing Orders cannot override the laws in force. He also admitted that he is aware of 'The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995' but claimed that the said Act is not applicable to Party I. He also denied the suggestion that being Transport Undertaking, it is covered under the said Act including the Act as amended in 2017. He, however admitted that the Party II is the State Transport Undertaking owned by the Government and financed and funded by the Government, so also that the Party II is controlled by the Government as the Chairman of Party II is its MLA. He, however admitted that the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 is applicable to Kadamba Transport Corporation. Once, it is admitted by the witness that the Act is applicable to the Corporation, it needs no mention that the said Act is also applicable to the Applicant/Party I being the employee of the Corporation. It is therefore relevant to see whether the Party II has acted in derogation of the said law in force.

25. Before proceeding with the matter, it requires to quote the relevant provisions of the Act including the definitions viz. 'Establishment', under Section 2(k); 'disability' under Section 2(i); 'Medical Authority' under Section 2(p); & 'Non discrimination in Government employment' under Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

(i) "Establishment" means a Corporation established by or under a Central, Provincial or State Act, or an Authority or a body owned or controlled or aided by the Government or a local authority or a Government company as defined in Section 617 of the Companies Act, 1956 and included Departments of a Government; (ii) "Disability" means (i) blindness; (ii) Low vision; (iii) leprosy-cured; (iv) hearing impairment; (v) locomotor disability; (vi) mental retardation; (vii) mental illness; (iii) "Medical Authority" means any hospital or institution specified for the purposes of this Act by notification by the appropriate Government; (iv) under Section 47- Non-discrimination in Government employment- (1) No establishment shall dispense with, or reduce in rank, an employee who acquires a disability during his service: provided that, if an employee, after acquiring disability is not suitable for the post he was

holding, could be shifted to some other post with the same pay scale and service benefits: Provided further, that if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier.

26. In case of Kunal Singh, supra the appellant who was a constable in SSB had suffered injury while he was on duty and the respondent invalidated him from services. The Hon'ble Apex Court observed that once it is held that the appellant has acquired disability during his services and if not found suitable for the post he was holding, he could be shifted to some other post with same pay scale and service benefits and the order affirming order of termination was set aside.

27. In Para 9, the Hon'ble Apex Court observed as follows;

Chapter VI of the Act deals with employment relating to persons with disabilities, who are yet to secure employment. Section 47, which falls in Chapter VIII, deals with an employee, who is already in service and acquires a disability during his service. It must be borne in mind that Section 2 of the Act has given distinct and different definitions of "dis-ability" and "person with disability". It is well settled that in the same enactment if two distinct definitions are given defining a word/expression, they must be understood accordingly in terms of the definition. It must be remembered that person does not acquire or suffer disability by choice. An employee, who acquires disability during his service, is sought to be protected under Section 47 of the Act specifically. Such employee, acquiring disability, if not protected, would not only suffer himself, but possibly all those who depend on him would also suffer. The very frame and contents of Section 47 clearly indicate its mandatory nature. The very opening part of Section reads "no establishment shall dispense with, or reduce in rank, an employee who acquires a disability during his service". The Section further provides that if an employee after acquiring disability is not suitable for the post he was holding, could be shifted to some other post with the same pay scale and service benefits; if it is not possible to adjust the employee against any post he will be kept on a supernumerary post until a suitable post is

available or he attains the age of superannuation, whichever is earlier. Added to this no promotion shall be denied to a person merely on the ground of his disability as is evident from sub-section (2) of Section 47. Section 47 contains a clear directive that the employer shall not dispense with or reduce in rank an employee who acquired a disability during the service. In construing a provision of social beneficial enactment that too dealing with disabled persons intended to give them equal opportunities, protection of rights and full participation, the view that advances the object of the Act and serves its purpose must be preferred to the one which obstructs the object and paralyses the purpose of the Act. Language of Section 47 is plain and certain casting statutory obligation on the employer to protect an employee acquiring disability during service.

28. In case of Ashok Dhondu Ahire, supra the petitioner was declared by ophthalmic hospital as unfit to be a peon and his employment brought to an end and no Show cause notice was issued nor was he heard. The Labour Court and the Industrial Court did not consider the scheme of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. The Hon'ble High Court allowed the petitioner by relying the case of Kunal Singh. In Para 18 of the judgment, the Hon'ble Judge observed thus:

18. It is apparent from the impugned judgments that neither the Labour Court nor the Industrial Court have considered the scheme under the 1995 Act. The Labour Court could not have dismissed the complaint on the ground that because the petitioner had developed loss of sight in one eye, he could not have been continued in employment and deserved to be terminated.

29. The Hon'ble Delhi High Court, in case of **Dilbagh Singh**, supra has observed in Para 17 and 18 as under:

17. Section 47 has come up for consideration in a number of cases, by this Court. It has been held that it applies, regardless of where the employee incurs the disability; it acquires primacy, and can be invoked, without application of laches; its benefits have to be given even if compensation is paid, for premature retirement of an employee. The position emerging from the various authorities are broadly summarized below: (i) Laches cannot be set up to deny

relief, since the Act is a beneficial legislation: *Krishnan Chander v. DTC* 2003(71) DRJ 11. (ii) The provisions of the Act have to be given effect to in respect of grievances that arose before enactment of the Disability Act: *Vijender Singh v. DTC* 105 (2003) DLT 261; *DTC v. Harpal Singh* 105(2003) DLT 113; (iii) The provisions categorically enjoin every employer not only to retain, and desist from discriminating employees suffering from impairment, but also to place them in other posts, without depriving any service conditions or benefits, if they are unable to function in their posts; *DTC v. Rajbir Singh* 100 (2002) DLT 111; (iv) Construction of the Act should be made in the light of international conventions: *DTC v. Rajbir Singh* (Supra); (v) Reinstatement possible even after premature retirement, and grant of compensation: *Baljeet Singh v. DTC* 83 (2000) DLT 286; *Virender Kumar Gupta v. DTC* (Supra); *Kuldeep Singh v. DTC*; (vi) Benefits of the enactment, and entitlements under Section 47, available irrespective of where the employee contracted the disability: *Ranbir Singh v. DTC* 97 (2002) DLT 19.

18. The above analysis would show that Section 47 was enacted as an absolute, unalterable, non discriminatory standard to be followed by every establishment, in relation to their disabled employees, at the work place. The provision is broad in its coverage, and does not allow deviation on account of an employer's compulsion or inability to provide an alternative post or employment; indeed he is under a positive obligation to give some work or job to the disabled employee, who suffers injury or incurs disability, and protect the existing terms and conditions of service, if necessary, by keeping him "on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier." The authorities, viz. decisions of this court serve to underline the width and scope of the provision. Hence, the defence of DTC that the petitioner cannot be given employment, rings hollow, it is unacceptable."

30. The moot question is therefore whether the discharge of the Applicant/Party I from services on 9-01-2013 on medically unfit ground is legal and justified.

31. Ld. Adv. Shri P. Agrawal for the Party II has submitted that the Party I has not pleaded violation

of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. He also submitted that it is settled proposition of law that the Party has to plead the case and adduce sufficient evidence to substantiate his submissions made in the plaint and in case the pleadings are not complete, the Court is under no obligation to entertain the pleas. In support thereof, he relied upon the cases of (1) **Rajasthan State TPT Corpn. & Anr. vs. Bajrang Lal in Civil Appeal No. 4104 of 2007 dated 14-3-2014** and (2) **Regional Manager, S.B.I. vs. Rakesh Kumar Tewari, in Appeal (Civil) No. 7 of 2006 dated 3-1-2006**. He further submitted that the Party I did not dispute the discharge for more than two years but disputed the said order before ALC, Panaji vide his letter dated 7-9-2015. The Party II could not consider the case of Party I for alternate employment on account of past history and past records of Party I.

32. However, as rightly submitted by Ld. Adv. Shri A. Kundaikar for the Party I, the Hon'ble Delhi High Court in the case of **Dilbagh Singh** has held that the laches cannot be set up to deny relief since the Act is beneficial legislation and that Section 47 was enacted as an absolute, unalterable, non-discriminatory standard to be followed by every establishment, in relation to their disabled employees, at the workplace. Moreover, the Party II in Para 6, 7, 8 & 9 of the Written Statement have stated about examination of Party I by Medical Board and that the Medical Board issued certificates at Exb. 16 Colly(2) and Exb. 18 respectively. The contention of Ld. Adv. Shri P. Agrawal for Party II that there are no pleadings by Party I of violation of the said Act therefore cannot be accepted.

33. Needless to reiterate, the Party II discharged Party I by Order dated 9-01-2013 at Exb. 14 on the ground that he was declared medically unfit by Medical Board of Goa Medical College. The Medical certificate at Exb. 18 indicates that on examination of the Party I by the Medical Board pursuant to letter of the Party II at Exb. 15, it found that the Party I was suffering from chronic optic neuritis both eyes with peripheral neuropathy, which is in short 'low vision' of the eyes. The Medical certificate at Exb. 16 Colly(2) which was issued by the Medical Board after the Party I approached them in terms of Clause 4(b) of the Certified Standing Orders of the Corporation found that he was unfit to continue working as a bus driver for heavy vehicles as it cannot be predicted as to when he may relapse into alcohol dependence and can be rehabilitated as a class 4 staff.

34. Needless to mention, the decision of the Medical Board of the Government is final and binding on the parties. Both the Medical Certificates issued by the Medical Board at exhibit 16 Colly and Exhibit 18 show that the Party I is unfit to continue working as a bus driver for heavy vehicles for suffering disability in the nature of low vision. The Party I was discharged from services with immediate effect based on the Medical certificate dated 23-11-2012 at Exb. 18 as he was found suffering from Chronic Optic Neuritis both eyes with Peripheral Neuropathy, which is disability under Section 2 (i) of the Act, without rehabilitating him in terms of Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. The Medical certificate at Exb. 18 does not mention that the Party I was unfit to continue his work as heavy vehicle driver permanently or that he had acquired the said disability prior to his employment.

35. The Party II is admittedly a 'State Transport Undertaking' owned and controlled by the Government. Undoubtedly, the Party I was medically fit at the time of joining the Corporation and has acquired the said disability in the form of low vision during the course of the employment. There is no dispute that the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 is applicable to Party I. The provisions of Section 47 clearly mandates the Party II shall not dispense with or discharge an employee who acquires a disability during his service and that he should be shifted to some other post with same pay scale and service benefits and if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier. The Party I has not attained the age of superannuation as he was 54 years of age at the time of filing his affidavit on 29-11-2016. There is also nothing on record that past conduct of the Party I was bad.

36. There cannot be any quarrel that the Party II rehabilitated one Shri Galdinho Menezes, driver stationed at Vasco depot who was entrusted with the job of issuing log sheets; one Shri Nutan Velingkar, driver stationed at Vasco depot who was rehabilitated and entrusted with the job of issuing log sheets; one Shri Datta Mayekar, driver stationed at Vasco depot who was rehabilitated and entrusted with the job of issuing log sheets; one Shri Sadam Hussien, driver stationed at Vasco depot who was rehabilitated and entrusted with the job

of diesel attendant; one Shri Avinash Rawal, driver stationed at Panaji depot who was rehabilitated and entrusted with the job of issuing log sheets; one Shri Krishna Shirodkar, driver stationed at Panaji depot who was rehabilitated and entrusted with the job of issuing log sheets; one Shri Sundar Zalmi, driver stationed at Panaji depot who was rehabilitated and entrusted with the job of issuing log sheets; one Shri Guru Shirodkar, driver stationed at Panaji depot who was rehabilitated and entrusted with the job of diesel attendant and one Shri Pundalik Gaonkar, driver stationed at Panaji depot who was rehabilitated and entrusted with the job of diesel attendant. It is therefore improper, unjust and illegal to discharge the Applicant/Party I without following the provisions of law including Certified Standing Orders on so called medically unfit ground and therefore the discharge of Party I from services on 9-1-2013 by Party II is illegal and unsustainable. The Party I having proved issue No. 1, it is answered in affirmative.

Issue No. 2:

37. It is well settled by the Apex Court in the case of **Deepali Gundu Surwase vs. Kranti Junior Adhyapak Mahavidyalaya (D.ED) & Ors., 2014 II CLR 813**, that in a case of wrongful termination of service, re-instatement with continuity of service and back wages is the normal rule. The Apex Court in Para 17 has observed thus:

17. The very idea of restoring an employee to the position which he held before dismissal or removal or termination of service implies that the employee will be put in the same position in which he would have been but for the illegal action taken by the employer. The injury suffered by a person, who is dismissed or removed or is otherwise terminated from service cannot easily be measured in terms of money. With the passing of an order which has the effect of severing the employer-employee relationship, the latter's source of income gets dried up. Not only the concerned employee, but his entire family suffers grave adversities. They are deprived of the source of sustenance. The children are deprived of nutritious food and all opportunities of education and advancement in life. At times, the family has to borrow from the relatives and other acquaintance to avoid starvation. These sufferings continue till the competent adjudicatory forum decides on the legality of the action taken by the employer. The re-instatement of such an employee, which is

preceded by a finding of the competent judicial/quasi judicial body or Court that the action taken by the employer is ultra vires the relevant statutory provisions or the principles of natural justice, entitles the employee to claim full back wages. If the employer wants to deny back wages to the employee or contest his entitlement to get consequential benefits, then it is for him/her to specifically plead and prove that during the intervening period the employee was gainfully employed and was getting the same emoluments. Denial of back wages to an employee, who has suffered due to an illegal act of the employer, would amount to indirectly punishing the concerned employee and rewarding the employer by relieving him of the obligation to pay back wages including the emoluments.

38. Needless to mention, the Party II had passed the order of discharge against the Party I which was illegal and untenable in the eyes of law as the same was in violation of Certified Standing Orders of the Corporation and despite the illegality, the Party II contested the proceedings before the Conciliation Officer and also before the Tribunal. There was also nothing on record that the Party I was employed from the date of discharge. The Party I has stated in Para 10 of the affidavit that he was unemployed after he was illegally discharged on medical ground on 9-01-2013. It is well settled principle that it is the employer, who has to prove that the workman was gainfully employed during the interregnum i.e. for the period he was kept out of service on account of his dismissal from service which is from 9-01-2013 till date. The Party I was forcibly and illegally kept out of service by Party II on specious ground that he was medically unfit and was unable to drive heavy vehicles. Once the discharge of the Party I is proved to have been wrongful and illegal, re-instatement with continuity in service and back wages is the rule. The Party II has not pleaded or proved that in the intervening period, the Party I was gainfully employed and was getting the same emoluments. It is therefore the Party I is entitled for the reliefs claimed. Hence, the issue No. 2 is answered in affirmative.

Issue No. 3:

39. Ld. Adv. Shri P. Agrawal for Party II has submitted that the application is not maintainable as it is not made by following mandate of Section 2-A(2) of the Industrial Disputes Act. He also submitted that in terms of Section 2-A(2), notwithstanding anything contained in Section 10,

any such workman as is specified in sub-section (1) may make an application direct to the Labour Court or Tribunal for adjudication of the dispute referred to therein after the expiry of forty five days from the date he has made the application to the Conciliation Officer or the appropriate Government for conciliation of the dispute, and in respect of such application the Labour Court or Tribunal shall have powers to adjudicate upon the dispute, provided the application referred to in sub-section (2) is made to the Labour Court or Tribunal before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service as specified in sub-section (1) under Section 2-A(3). He submitted that the order of discharge at Exb. 14 was passed on 9-01-2013 and the application under Section 2-A(2) of Industrial Disputes Act was filed on 13-1-2016, which is beyond three years and therefore the application under Section 2-A(2) is not maintainable.

40. Per contra, Ld. Adv. Shri A. Kundaikar for Party I has submitted and rightly so that the order of discharge dated 9-01-2013 at Exb. 14 is not final nor the same is binding on Party I, besides the fact that it is illegal and not issued by the appropriate Disciplinary Authority in terms of Certified Standing Orders. The said order of discharge dated 9-01-2013 is not final in terms of clause 4(b) of the Certified Standing Orders in which it is clearly mentioned that if the management discharges the workman from duties on the ground that he is not medically fit, the aggrieved Party is free to approach the Medical Board of the Government against the decision of Medical Authorities, whose decision is final and binding on the parties. The Party I in terms of clause 4(b) approached the Medical Board and the Medical Board issued the certificate dated 16-7-2015 at Exb.18 Colly(2). It therefore can be seen that the discharge order dated 9-01-2013 is not final and the time to file the application under Section 2-A(3) would run from the date of the Certificate issued by Medical Board to Party I on 22-8-2015 at Exb. 16 colly(1), which would expire on 22-8-2018 and therefore the above application is within time. It is also well settled that latches cannot be set up to deny relief, since the Act is a beneficial legislation as held in the case of **Krishan Chander vs. DTC. 2004 (115) DLT 558**. It is therefore the contention of Ld. Adv. Shri P. Agrawal that the application is not maintainable nor the mandate of Section 2-A(2) and 2-A(3) of the Industrial Disputes Act has been complied with, cannot be accepted. Hence, the issue No. 3 is answered in the negative.

41. Needless to mention, the Party I has proved violation of Certified Standing Orders of the Corporation application to the parties, so also the provisions of Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 by discharging the services of the Applicant vide letter dated 9-01-2013. There are no pleadings on behalf of the employer that the workman was gainfully employed after the discharge. It is also well settled that in cases of wrongful discharge/termination of services, re-instatement with continuity of service and back wages is a normal rule. The services of the Party I have been discharged and his employment has been brought to an end on alleged medical ground without issuing charge sheet or adhering to principles of natural justice nor the scheme of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 has been considered by Party II.

42. The Party I who has been working with Party II since last 25 years has been discriminated, while other similarly situated drivers have been rehabilitated, presumably by invoking the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. The Party II was under positive obligation to give work or job to the Party I employee, who suffered the disability during the course of his service and protect the existing terms and conditions of service, if necessary, by shifting him to some other post with the same pay scale and service benefits or keeping him on a supernumerary post until a suitable post is available or till he attains the age of superannuation as mandated by law. The Party II having wrongfully discharged the Party I from service, re-instatement with continuity in service and back wages has to be awarded to him. The Party I is therefore entitled for the reliefs claimed.

43. In the result, I pass the following:

ORDER

- i. The application filed by Party I workman under Section 2-A(2) of the Industrial Disputes Act stands allowed.
- ii. It is hereby held that the action of the management of M/s Kadamba Transport Corporation Limited, Porvorim, Goa in discharging the services of Party I, Shri Arun Mairekar, driver attached to Margao Depot with effect from 9-01-2013 on medically unfit ground is illegal and unjustified.

- iii. The Party II is directed to reinstate the services of Party I, Shri Arun Mairekar, driver attached to Margao Depot with full back wages and continuity in services with consequential benefits attached to the post.
- iv. The Party II is directed to deposit full back wages before the Tribunal from the date of discharge till date of re-instatement in the services within 60 days of the publication of the Award, failing which the Party II shall pay an interest @ 9% per annum from the date of discharge till the date of actual re-instatement of services of Party I.
- v. Inform the Government accordingly.

Sd/-
(Vincent D'Silva),
Presiding Officer,
Industrial Tribunal and
Labour Court.

Notification

No. 28/9/2017-LAB/Part-III/643

The following award passed by the Labour Court-II, at Panaji-Goa on 09-08-2017 in reference No. IT/15/11 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

Georgina Saldanha, Under Secretary (Labour).

Porvorim, 12th September, 2017.

IN THE LABOUR COURT-II
GOVERNMENT OF GOA
AT PANAJI

(Before Shri Suresh N. Narulkar, Hon'ble
Presiding Officer)

Case No. Ref. IT/15/11

Shri Anant V. Velip,
Since deceased, represented
by his L.R.'s,
1a. Smt. Archana Anant Velip,
1b. Ms. Krupa Anant Velip,
1c. Master Chaitan Anant Velip
All r/o. H. No. 27, Bendurdem,
Balli, Quepem-Goa. ... Workman/Party-I
V/s

M/s. Adarsh Krishi Sahakari Kharedi
 Vikri Prakriya Saunsta Maryadit,
 Balli, Quepem-Goa. ... Employer/Party-II

Workman/Party-I represented by Adv. Shri S. K. Manjrekar.

Employer/Party-II represented by Adv. Shri A.V. Nigalye.

Panaji, dated: 09-08-2017.

AWARD

1. In Exercise of the powers conferred by Clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) the Government of Goa, by Order dated 11-07-2011, bearing No. 28/09/2011-LAB, referred the following dispute for adjudication to the Industrial Tribunal of Goa. The reference was thereafter transferred to this Labour Court II for its adjudication by the Appropriate Government, vide its order dated 09-02-2016.

“(1) Whether the action of the Management of M/s. Adarsh Krishi Sahakari Kharedi Vikri Prakriya Saunsta Maryadit, Balli, Quepem-Goa, in terminating the services of Shri Anant Vithoba Velip, Secretary, with effect from 28-11-2009, is legal and justified?

(2) If not, what relief the workman is entitled to?”

2. On receipt of the reference, a case was registered under No. IT/15/2011 and registered A/D notice was issued to the parties. In pursuance to the said notice, the parties put in their appearance. The Workman/Party-I (for short “Workman”), filed his Statement of Claim on 22-09-2011 at Exb. 6. The facts of the case in brief as pleaded by the Workman are that he was employed with the Employer/Party-II (for short “Employer”) since March, 1993 and was designated as Secretary. He stated that though he has been designated as Secretary, neither he has been elected as a member of the said establishment nor performed the duties of administrative, executive or supervisory in nature. He stated that subsequently all of sudden and without any justification, he was demoted and designated as an ‘Accountant’ and was directed to take the charge of Accountant against the vacant post w.e.f. 19-04-2008. He stated that on and from 19-04-2008, he was not working as Secretary of the Employer, but was working as an Accountant and performing the duties related to the accounts of the Employer. He stated that the activities and nature of business carried out by the Employer are also of financial

and commercial. He stated that the Employer is generating the funds by charging the amount and also earning income/profit. He stated that his duties were to withdraw the sizeable amount of liquid cash from the bank located at Margao and bring the said cash to the office of the Employer at Balli and vice-versa, to deposit the amount into the banks at Margao or Cuncoliem.

3. He stated that on 10-04-2008, he was asked by the Employer to withdraw a sum of Rs. 5,00,000/- from the ICICI Bank, Margao and bring the said liquid cash to the Employer's office at Balli. He stated that in pursuance of the said directions, he withdrew the said amount from the ICICI Bank, Margao branch and while returning to the office of the Employer at Balli on his own scooter, he took a halt at Cuncolim near bus stand to repair his mobile. He stated that thereafter, he proceeded to the Employer's office, at Balli. He stated that after reaching the office, he was shocked to know that a sum of Rs. 4,00,000/- was stolen/misplaced/lost from the said amount of Rs. 5,00,000/-. He stated that he therefore immediately filed a police complaint to that effect at the Cuncoliem Police Station and also informed the Employer. He stated that the Employer has however, illegally shown the said misplaced/stolen/lost amount of Rs. 4,00,000/- as his loan and started charging the interest/cost on the said misplaced amount as if he had obtained the loan from the Employer. He stated that thereafter the Employer started harassing him to built up the ground against him.

4. He stated that the Employer, thereafter, by its letter dated 28-10-2008 suspended him from its service w.e.f. 20-10-2008. He stated that the Employer manipulated the accounts and claimed that he had made some irregularities. He stated that the Employer also deliberately and intentionally maligned his image and reputation within the local area. He stated that in view of the aforesaid act of the Employer, he not only suffered mental agony, but also financial hardships.

5. He stated that the Employer terminated his services w.e.f. 28-11-2009 vide its letter dated 11-12-2009 without seeking any explanation and/or by conducting an enquiry by issuing an charge-sheet. He challenged his termination of service by raising a dispute before the Conciliation Officer, Margao. He stated that as he was facing financial hardship due to his unemployment, he also raised issue of non-payment of subsistence allowance before the said authority. He stated that it is as per the directions of the said authority he was paid subsistence allowance by the Employer. He stated

that however the calculations made by the Employer is also wrong. He stated that he requested the Employer to rectify the said error appearing in the calculation, however, the Employer has not paid any attention to the same. He stated that the Employer has however not only deferred the payment of subsistence allowance during the period of suspension, but also prohibited to withdraw the said amount from his bank account by giving directions to its cashier to adjust the said amount of subsistence allowance to his alleged loan liabilities.

6. The Workman contended that his termination from service is illegal and bad-in-law and deserves to be quashed and set aside. He submitted that however, neither proper show-cause notice, charge-sheet was issued to him nor conducted an enquiry thereby violated the principles of natural justice. He submitted that he was not even paid the subsistence allowance during the period of suspension. He submitted that however, a farce of enquiry was conducted in total violation of the principles of natural justice. He submitted that the Employer has not followed the provisions of Section 25-F of the I.D. Act, 1947, while terminating his services. He submitted that his termination from service amounts to victimization and unfair labour practice. He submitted that he was the only earning member in his family. He stated that after termination of his services he tried his level best to secure another employment, however, he was not succeeded in getting employment. The Workman therefore prayed that his order of termination from service be set aside and he may be reinstated in service with full back wages and consequential benefits thereof.

7. The Employer resisted the claim of the Party I by filing its written statement on 03-04-2012 at Exb. 8. The Employer, as and by way of its preliminary objections, submitted that the reference is not maintainable in law as well as on facts of the case, that this Hon'ble Court has no jurisdiction to entertain and decide the reference, that the reference is illegal and has been made without application of mind, that it is a co-operative society registered under the Co-Operative Societies Act, 1960 as applied to the State of Goa and now governed by the Goa Co-operative Societies Act, 2001 and that the said Act is a complete code in itself, which provides for all matters relating to co-operative societies including resolution of disputes, hence, the authorities under the I.D. Act have no jurisdiction to deal with matters relating to the employees of a co-operative societies. The Employer submitted

that the Party I is not a 'workman' within the meaning of Section 2 (s) of the I.D. Act, 1947 and that he was employed in managerial, administrative and supervisory capacity. The Employer also submitted that the Party I had no cause of action for raising the matter before the Conciliation Officer and for pursuing the matter before this Hon'ble Court.

8. The Employer stated that it is engaged in the purchase and sale of agricultural products such as paddy, coconuts, cashew, cereals, spices and other agricultural products produced by its members and other agriculturists in the territory. The Employer stated that it is engaged in these activities to provide remunerative prices to the agriculturists and horticulturists for their produce. The Employer stated that it is also engaged in the sale of consumer and other goods in order to provide the said goods to the public at reasonable rate. The Employer stated that it also advances loans to the needy persons at reasonable rates. The Employer stated that it is also engaged in processing of agricultural produce for its value addition. The Employer stated that it has been established for the purpose of rendering help and assistance to the agriculturists and for providing remunerative prices for their products. The Employer stated that it is also engaged in educating the farmers about the advanced technology and other matters relating to agriculture. The Employer submitted that it is not an "industry" and its establishments are not "industrial establishments". The Employer stated that it is carrying out its aforesaid activities through its head office and branches situated in different parts of Goa.

9. The Employer stated that the Party I was employed with them as Secretary. The Employer stated that he was its senior most salaried officer and was in control of its management and administration. The Employer stated that the Party I was involved with day to day management and administration affairs and supervision of the employees working under him. The Employer stated that the duties of the Party I were to look after the day to day management and administration of the business and affairs, operating its accounts and be responsible for making arrangements for safe custody of cash and properties, making arrangement for proper maintenance of its various books and records, convening the meetings of its General Body, Board of Directors and Committees in consultation with its Chairman and maintaining proper records of such meetings, assisting its Board of Directors in the formation of policies and planning, furnishing

to the board the information regarding its operation and function, to sign and issue its cheques, to be the custodian of the records, common seal, stock and its other properties, to issue notices and to attend all its meetings, to arrange proper accounts and its registers as prescribed under the relevant laws and for assisting the auditors in auditing its affairs, to scrutinize the loan applications and other documents and place them before its Board of Directors and to take for its recovery of the dues for debtors and customers.

10. The Employer stated that on 10-04-2008, the Party I took two cheques, one bearing No. 586570 for a sum of Rs. 3,00,000/- and another cheque bearing No. 586571 for sum of Rs. 2,00,000/- both dated 10-04-2008 from its cashier, Mr. Pauto Gaonkar to withdraw the cash. The Employer stated that the Party I withdrawn the said cheques from its ICICI, Margao branch, however, when the cashier requested him to deposit the said amount of Rs. 5,00,000/-, he deposited only Rs. 1,00,000/- by contending that the remaining amount of Rs. 4,00,000/- was stolen in transit. The Employer stated that the Workman contended that he had kept the money in the tool box of his scooter after withdrawing the same from the bank, that while returning on his scooter, he stopped near the bus stand at Cuncollem for repair of his mobile, that he went inside the shop and returned immediately, that when he returned at the head office at Bali and opened the tool box, he found the bag containing Rs. 1,00,000/- and that a sum of Rs. 4,00,000/- kept in another tool box was missing. The Employer submitted that the aforesaid version of the Party I is ex-facie false and was intended to justify the misappropriation of the said sum of Rs. 4,00,000/-.

11. The Employer stated that on 21-11-2007, the Party I granted a loan of Rs. 1,00,000/- to himself and transferred the said amount to his account from their account without the knowledge of its board of directors. The Employer stated that it was an established practice in its organization that the applications for loan received by them were required to be scrutinized by the Secretary, who had to ensure that the applications were properly made in all respects with the names and signatures of the applicant and his sureties signed before the issuing authority, submission all necessary documents, remarks of the Branch Manager and submission of the loan file to its board of directors for sanction of loan. The Employer stated that only after the board approved the loan, a sanction letter was issued to the loanee and only thereafter the

loan was disbursed to the applicant. The Employer stated that the said procedure was totally flouted by the Party I in transferring the said amount of Rs.1,00,000/- to his own account. The Employer stated that he was the authorized signatory for signing the cheques and was responsible for approval of the cash on their behalf.

12. The Employer stated that on 10-09-2009, a sum of Rs. 57,157/- was pending against his name in their account. The Employer stated that this includes an advance towards purchases of Rs. 13,931/- in respect of which he failed to submit the bills, an outstanding amount of Rs.1,875/- towards fertilizers and salary advance of Rs. 41,361/-. The Employer submitted that the said amount of Rs. 57,157/- has been misappropriated by the Party I. The Employer stated that a sum of Rs. 26,44,802/- is receivable by them from its creditors/customers. The Employer stated that the sale transaction in respect of the aforesaid goods were done by the Party I keeping its board of directors in the dark and without maintaining proper records of the creditors. The Employer stated that it was the duty and responsibility of the Party I to recover the said amount from the customers and keep proper records of all transactions. The Employer submitted that the aforesaid acts and omissions of Party I amounts to dereliction of duties, negligence and misappropriation of funds.

13. The Employer stated that the Party I had mortgaged a plot of land identified as plot D in the property bearing survey No. 53/1 admeasuring 215 sq. mts. situated at Balli village. The Employer stated that the Party I sold the said plot to Shri Vinod Yeshwant Komarpant and Mrs. Vidya Vinod Komarpant without its permission, thus it has lost a valuable security.

14. The Employer submitted that all the aforesaid acts constitutes misconduct on the part of the Party I. The Employer submitted that the post held by the Party I for the position of trust. The Employer submitted that by his conduct, the Party I proved to be untrustworthy and it was not possible to retain such person in its employment. The Employer stated that after the aforesaid act of the Party I came to light, it conducted an enquiry wherein the illegal acts of the Party I were confirmed. The Employer stated that it has also called the explanation from the Party I regarding his conduct. The Employer stated that however, the Party I could not give satisfactory explanation to the queries put to him in the enquiry. The Employer stated that thereafter, by letter dated

10-12-2009, it has terminated the services the Party I w.e.f. 20-11-2009. The Employer submitted that it lost confidence and trust in the Party I and as such it could not retain Party I in its service. The Employer submitted that the termination of service of the Party I is therefore just, proper and legal. The Employer therefore prayed for passing an award dismissing the claim of the Party I and holding that the termination of service of the Party I by them is legal and justified and that the Party I is not entitled to any relief.

15. Thereafter, the Party I filed his rejoinder on 26-06-2012 at Exb. 09. The Party-I, by way of his Rejoinder, confirms and reiterates all the submissions and averments made by him in his claim statement to be true and correct and denies all the statements and averments made by the Employer in the Written Statement, which are contrary to the statements and averments made by him.

16. Based on the pleadings filed by the respective parties hereinabove, the Hon'ble Industrial Tribunal-cum-Labour Court framed the following issues on 28-07-2014 at Exb.19.

1. Whether the Party I proves that he is a 'workman' under the purview of Section 2 (s) of the I.D. Act, 1947?
2. Whether the Party I proves that termination of his services by Party II is totally illegal, unjustified, in violation of Section 25F of I.D. Act and is carried out with the sole intention to harass and victimize him?
3. Whether the Party I proves that despite his suspension he was not paid subsistence allowance till the termination of his service?
4. Whether the Party I proves that after termination of his services he tried his level best to get another employment but did not succeed?
5. Whether the Party II proves that authorities under the I.D. Act have no jurisdiction to deal with the matter relating to the employees of a co-operative society since the Goa Co-operative Societies Act, 2001 is a complete code in itself?
6. What relief? What Award?

17. Thereafter, the Party I filed his affidavit-in-evidence and produced on record certain documents in support of his case. He was partly cross-examined by the Ld. Advocate for the Employer. The Party I expired on 06-08-2016, pending his further cross-examination. On 27-06-2017, Ld. Adv. Shri S. K. Manjrekar,

representing the legal heirs of the deceased Workman as well as Ld. Adv. Shri A. V. Nigalye appearing for the Employer remained present and submitted that the parties have settled the matter amicably and prayed for passing of the consent award in terms of the settlement and produced on record the consent terms at Exb.41 duly signed by both the parties. I have carefully perused the consent terms filed by the parties herein above and is of the opinion that the said consent terms are beneficial to the Workman and hence, consented to the same.

In view of the above, I proceed to pass the following order:

ORDER

1. In view of the amicable settlement between the parties herein above, it is held that the action of the Management of M/s. Adarsh Krishi Sahakari Kharedi Vikri Prakriya Sauntha Maryadit, Balli, Quepem-Goa, in terminating the services of Shri Anant Vithoba Velip, Secretary, with effect from 28-11-2009, is legal and justified, does not survive.
2. The workman Shri Anant Vithoba Velip, is not entitled to any relief.
3. No order as to costs

Inform the Government accordingly.

Sd/-
(Suresh N. Narulkar),
Presiding Officer,
Labour Court-II

Inspectorate of Factories and Boilers

Notice

No. IFB/BAE/(A-220)2017

The Board of Examiners under the Boiler Operation Engineers Rules, 2011 declares the following candidates to have passed in the examinations conducted between 11th September, 2017 to 15th September, 2017, for certificate of proficiency as Boiler Operation Engineers.

| Sr. No. | Name of the candidates |
|---------|------------------------|
|---------|------------------------|

- | | |
|----|-------------------------------|
| 1. | Shri Suman Chatteraj. |
| 2. | Shri Suraj Subhash Chodankar. |

R. T. Korgaonkar, Secretary, Board of Examiners under B.O.E. Rules, 2011.

Altinho, Panaji, 15th September, 2017.

Department of Law & Judiciary

Law (Establishment) Division

—
Order

No. 2/49/2015-LD(Estt)/1240

On the recommendation of the Goa Public Service Commission (GPSC) as conveyed vide their letter No. COM/II/11/55(2)/2015/593 dated 02-08-2017, Government is pleased to promote Smt. Aarti Anil Parvatkar, Head Clerk/UDC to the post of Civil Registrar-cum-Sub-Registrar on regular basis in the Pay Band 2, Rs. 9,300-34,800+ Grade Pay Rs. 4,200/- (Level-6 as per 7th Pay Commission) and other allowances to be fixed as per rules with immediate effect.

The above Officer shall be on probation for a period of two years.

Consequent upon her promotion, she shall continue to work at place where she was presently working on ad hoc basis.

Salary shall be drawn against Budget Head 2030—Stamps and Registration, 03—Registration, 001—Direction and Administration, 02—District Charges, 01—Salaries. She shall exercise her option for fixation of the pay in the promotional grade in terms of FR 22 (I) (a) (1) within a period of one month from the date of their promotion as Civil Registrar-cum-Sub-Registrar. The option once exercised shall be final.

By order and in the name of the Governor of Goa.

Anju S. Kerkar, Under Secretary (Estt.).

Porvorim, 4th September, 2017.

—
Order

No. 8/34/2005-LD(Estt.)/Part I/1250

Read: 1) Order No. 2/59/2015-LD(Estt.)/827 dated 25-04-2016.

On the recommendation of the Goa Public Service Commission (GPSC) conveyed vide their letter No. COM/II/11/55(3)/2015/592 dated 02-08-2017, approval of the Government is hereby accorded for extension of ad hoc promotion to the following Civil Registrars-cum-Sub-Registrars on the same terms and conditions cited in order No. (1) referred to in the preamble.

| Sr. No. | Name of the Officers | Period of extension for interim period |
|---------|------------------------------|--|
| 1. | Smt. Freeda J. B. Gomes-CRSR | 26-04-2017 to 24-07-2017. |
| 2. | Shri Domingos Martins-CRSR | 26-04-2017 to 24-07-2017. |
| 3. | Smt. Sunanda T. Gauns-CRSR | 26-04-2017 to 24-07-2017. |

This issues with the approval of the Government.

By order and in the name of the Governor of Goa.

Anju S. Kerkar, Under Secretary (Estt.).

Porvorim, 4th September, 2017.

—
Order

No. 6-1-2014-LD(Estt)/1254

On the recommendation of the Goa Public Service Commission (GPSC) as conveyed vide their letter No. COM/II/11/55(1)/2017/716 dated 12-07-2017, Government is pleased to promote the following Civil Registrar-cum-Sub-Registrar to the post of District Registrar on regular basis in the Pay Band 3, Rs.15,600-39,100/- + Grade Pay Rs. 5,400/- (Level-9 as per 7th Pay Commission) and other allowances to be fixed as per rules with immediate effect:

1. Shri Vasudev T. Hadkonkar.

The above Officer shall be on probation for a period of two years.

Consequent upon his promotion, he shall continue to work at place where he was presently working on ad hoc basis.

The expenditure towards the Salary and other allowances shall be debited under the Demand No. 10 Budget Head 2030—Stamps and Registration, 03—Registration, 001—Direction and Administration, 01—Superintendence, 01—Salaries. He shall exercise their option for fixation of the pay in the promotional grade in terms of FR 22 (I) (a) (1) within a period of one month from the date of their promotion as District Registrar. The option once exercised shall be final.

By order and in the name of the Governor of Goa.

Anju S. Kerkar, Under Secretary (Estt.).

Porvorim, 12th September, 2017.

Department of Personnel

Order

No. 15/6/2003-PER(Part)/2669

On recommendation of the Departmental Promotion Committee as conveyed by Goa Public Service Commission vide its letter No. COM/II/11/42(2)/2017/831 dated 24-8-2017, the Governor of Goa is pleased to promote following officers in the cadre of Mamlatdars/Joint Mamlatdars/Assistant Director of Civil Supplies, Group 'B' Gazetted in Level-7 of pay matrix, with immediate effect.

| Sr. No. | Name of the Officer |
|---------|-----------------------------|
| 1. | Shri Nathan Leonard Afonso. |
| 2. | Smt. Deona Pereira. |
| 3. | Shri Rajesh G. Sakhalkar. |
| 4. | Shri Shailendra J. Dessai. |

The pay of the above mentioned officers shall be fixed as per C.C.S.(RP) Rules, 2016 and they shall exercise option within one month from the date of issue of this Order.

The officers shall be on probation for a period of two years from the date of their joining.

Ms. Priya S. Samant @ Priya V. Kamat is promoted to the cadre of Mamlatdars/Joint Mamlatdars/Assistant Director of Civil Supplies, Group 'B' Gazetted in the pay scale Level-7, "on officiating basis" against the vacancy of one officer whose recommendation is kept in Sealed Cover until further order.

On promotion, the officers shall continue to hold the posts presently held by them.

By order and in the name of the Governor of Goa.

Shashank V. Thakur, Under Secretary (Personnel-I).
Porvorim, 7th September, 2017.

Order

No. 5/3/2017-PER/2731

Read: Order No. 5/3/2017-PER dated 05-09-2017.

The salary of the Officers mentioned in column 2 promoted to Junior Scale of Goa Civil Service vide order read in preamble shall be adjusted against the Junior Scale posts mentioned in column 3 with effect from the date of accepting the promotion until further order.

| Sr. No. | Name and feeder grade of the promoted Officer | Pending posting, salary to be drawn against the post of |
|---------|--|---|
| 1 | 2 | 3 |
| 1. | Smt. Nayan Moroscar, Superintendent of Excise | Deputy Director (Admn.), Social Welfare. |
| 2. | Shri A. S. Mahatme, Asst. Registrar of Co-op. Societies | Deputy Director (Admn.), Fisheries. |
| 3. | Shri Ramesh P. Naik, Asst. Registrar of Co-op. Societies | Deputy Director (Admn.), Art and Culture. |
| 4. | Smt. Darshani Samir Dessai, Commercial Tax Officer | Deputy Director (Admn.), State Registrar & Notary Services. |
| 5. | Shri Amir Yeshwant Parab, BDO | Deputy Director (Admn.), Town & Country Planning. |
| 6. | Shri Raju Rogunath Dessai, Technical Officer | Deputy Director (Admn.), Planning & Statistics. |

This is issued with the approval of the Chief Secretary.

Shashank V. Thakur, Under Secretary (Personnel-I).
Porvorim, 12th September, 2017.

Order

No. 7/13/2015-PER/2744

Read: Order No. 14020/03/2017.UTS-I dated 29-05-2017.

The Governor of Goa is pleased to relieve Shri Virendra Kumar, IAS (AGMUT: 2006), Resident Commissioner, Goa Sadan, from this Administration with effect from 13-09-2017 (f.n.) to take up his new assignment at Government of NCT of Delhi.

By order and in the name of the Governor of Goa.

Shashank V. Thakur, Under Secretary (Personnel-I).
Porvorim, 12th September, 2017.

Order

No. 13/6/2015-PER/2751

Whereas, the Government vide Order No. 13/6/2015-PER/1218 dated 28-04-2017 was pleased to grant extension in services to Shri Bhaskar G. Nayak, Principal, Government College of Arts,

Science and Commerce, Quepem with additional charge of Director, Higher Education, Porvorim for a period of one month w.e.f. 01-05-2017 to 31-05-2017 subject to Vigilance Clearance, concurrence of Finance Department and approval of Cabinet;

And whereas, the Vigilance Department has now submitted Vigilance Clearance stating that no Disciplinary Proceedings/Vigilance cases are pending or being contemplated against Shri Nayak.

And whereas, the Finance Department vide its U. O. No. 1400031608 dated 28-06-2017 has submitted that the proposal being fate accompli, may process the proposal in terms of Rule 7 (2) of Rules of Business of Government of Goa, 1991;

And whereas, the Council of Ministers in its XIVth meeting held on 06-09-2017 has approved to grant ex-post facto approval for extension in service beyond superannuation to Shri Bhaskar G. Nayak, Principal, Government College of Arts, Science and Commerce, Quepem with additional charge of Director, Higher Education, Porvorim for a period of one month w.e.f. 01-05-2017 to 31-05-2017.

Now, therefore, the Government is pleased to grant extension in service beyond superannuation to Shri Bhaskar G. Nayak, Principal, Government College of Arts, Science and Commerce, Quepem with additional charge of Director, Higher Education, Porvorim for a period of one month w.e.f. 01-05-2017 to 31-05-2017.

By order and in the name of the Governor of Goa.

Shashank V. Thakur, Under Secretary (Personnel-II).

Porvorim, 14th September, 2017.

Corrigendum

No. 7/13/2015-PER

Read: Order No. 7/13/2015-PER dated 12-09-2017.

In the Order referred to in the preamble, the phrase "w.e.f. 13-09-2017 (F.N.)" shall be substituted to read as "w.e.f. 15-09-2017 (A.N.)".

By order and in the name of the Governor of Goa.

Shashank V. Thakur, Under Secretary (Personnel-I).

Porvorim, 15th September, 2017.

Department of Public Health

Order

No. 25/2/2014-I/PHD/Part/1605

On the recommendation of the Goa Public Service Commission conveyed vide their letter No. COM/II/12/24(11)/17/797 dated 09-08-2017, Government is pleased to declare satisfactory completion of probation period of two years of the following Senior Gynaecologist under Directorate of Health Services and also to confirm him against the said post with effect from the date of his completion of probation period indicated against his name:

| Sr. No. | Name of the Doctor | Date of completion of probation period |
|---------|--|--|
| 1. | Dr. Mahendra Ghanekar, Senior Gynaecologist | 18-10-2011. |

By order and in the name of the Governor of Goa.

Maria Seomara Desouza, Under Secretary (Health-II).

Porvorim, 7th September, 2017.

Order

No. 25/2/2014-I/PHD/1606

Read: Order No. 8-2-93-I/PHD dated 09-07-1999.

On the recommendation of the Goa Public Service Commission conveyed vide their letter No. COM/II/12/24(7)/17/754 dated 25-07-2017, Government is pleased to confirm Dr. Deepak Dhond against the post of Junior Radiologist under Directorate of Health Services with effect from 01-04-1995 i.e. the date of his completion of probation period.

By order and in the name of the Governor of Goa.

Maria Seomara Desouza, Under Secretary (Health-II).

Porvorim, 7th September, 2017.

Order

No. 44/14/2017-I/PHD/1607

On the recommendation of the Goa Public Service Commission conveyed vide their letter No. COM/II/12/24(8)/17/800 dated 09-08-2017, Government is pleased to declare satisfactory completion of probation period of two years of the following Senior Radiologists under Directorate of Health Services and also to confirm them against the said post with

effect from the date of completion of their probation period indicated against their names:

| Sr. No. | Name of the Doctor | Date of completion of probation period |
|---------|--|--|
| 1. | Dr. Angelica Siona Gomes, Senior Radiologist | 09-9-1993. |
| 2. | Dr. Shirley Ribeiro, Senior Radiologist | 22-12-2011. |

By order and in the name of the Governor of Goa.

Maria Seomara Desouza, Under Secretary (Health-II).

Porvorim, 7th September, 2017.

Order

No. 11/4/2017-IV/PHD

On the recommendation of the Goa Public Service Commission as conveyed vide their letter No. COM/II/11/14(2)/2017/834 dated 24-08-2017, Government is pleased to promote Dr. Paul Chalakkal, Lecturer in Pedodontics to the post of Assistant Professor in Pedodontics in Goa Dental College and Hospital, Bambolim on regular basis in the Level-11 of Pay Matrix and other allowances to be fixed as per rules with immediate effect.

The promotion is made against the vacancy occurred due to promotion of Dr. John S. L. Rodrigues, Assistant Professor to the post of Professor in Pedodontics, Goa Dental College and Hospital, vide Order No. 11/3/89-IV/PHD/4 dated 24-05-2017.

By order and in the name of the Governor of Goa.

Trupti B. Manerkar, Under Secretary (Health).

Porvorim, 8th September, 2017.

Order

No. 44/19/2017-I/PHD/Part/1617

On the recommendation of the Goa Public Service Commission conveyed vide their letter No. COM/II/12/24(9)/17/798 dated 9-08-2017, Government is pleased to declare satisfactory completion of probation period of two years of the following Senior Ophthalmic Surgeons under Directorate of Health Services and also to confirm them against the said post with effect from the date of completion of their probation period indicated against their names:

| Sr. No. | Name of the Doctor | Date of completion of probation period |
|---------|---|--|
| 1. | Dr. Saleena Naik, Senior Ophthalmic Surgeon | 17-2-2006. |
| 2. | Dr. Conrad D'Sa, Senior Ophthalmic Surgeon | 19-10-2011. |

By order and in the name of the Governor of Goa.

Maria Seomara Desouza, Under Secretary (Health-II).

Porvorim, 8th September, 2017.

Order

No. 44/17/2014-I/PHD/1618

Read: Order No. 8/56/91-I/PHD dated 06-2-1996.

On the recommendation of the Goa Public Service Commission conveyed vide their letter No. COM/II/12/24(4)/17/757 dated 25-07-2017, Government is pleased to confirm Dr. Swati Mulgaonkar against the post of Junior Anaesthetist under Directorate of Health Services with effect from 28-10-1993 i.e. the date of completion of her probation period.

By order and in the name of the Governor of Goa.

Maria Seomara Desouza, Under Secretary (Health-II).

Porvorim, 8th September, 2017.

Order

No. 25/2/2014-I/PHD/Part-I/1619

Read: Order No. 9-24-94-I/PHD dated 30-08-1999.

On the recommendation of the Goa Public Service Commission conveyed vide their letter No. COM/II/12/24(6)/17/753 dated 25-07-2017, Government is pleased to confirm Dr. Doreen Dias against the post of Senior Psychiatrist under Directorate of Health Services with effect from 31-03-1996 i.e. the date of her completion of probation period.

By order and in the name of the Governor of Goa.

Maria Seomara Desouza, Under Secretary (Health-II).

Porvorim, 7th September, 2017.

Order

No. 4/4/2007-II/PHD/Part/1166

On the recommendation of the Goa Public Service Commission as conveyed vide their letter No. COM/

/II/11/30(4)/2015/759 dated 25-07-2017, Government is pleased to promote Dr. Ankush Balasaheb Patil, Assistant Lecturer to the post of Lecturer in the Department of Forensic Medicine in Goa Medical College and Hospital, Bambolim on regular basis in the Level 11 of Pay Matrix and other allowances to be fixed as per rules with immediate effect.

The promotion is made against the vacancy occurred due to promotion of Dr. Kantak Mandar to the post of Assistant Professor in the Department of Forensic Medicine in Goa Medical College vide Order No. 4/4/2007-II/PHD/Part II dated 03-06-2015.

By order and in the name of the Governor of Goa.

Trupti B. Manerkar, Under Secretary (Health).
Porvorim, 12th September, 2017.

Order

No. 47/1/2011-I/PHD/1669

Read: 1. Order No. 47/1/2011-I/PHD dated 12-6-2012.
2. Order No. 47/1/2011-I/PHD dated 22-8-2013.
3. Order No. 47/1/2011-I/PHD dated 10-9-2014.
4. Order No. 47/1/2011-I/PHD dated 18-6-2015.
5. Order No. 47/1/2011-I/PHD dated 19-7-2016.

Ex-post facto approval of the Government is hereby conveyed for extension of deputation of Dr. Vasco Teles, Medical Officer, North Goa District Hospital, Mapusa under Directorate of Health Services as Medical Officer (Male) in Central Jail, Colvale for further period from 12-06-2017 to

30-06-2017 as a special case, subject to the condition that he shall not be entitled to draw deputation allowances.

By order and in the name of the Governor of Goa.

Maria Seomara Desouza, Under Secretary (Health-II).
Porvorim, 14th September, 2017.

Department of Transport

Directorate of Transport

Corrigendum

No. D.Tpt/EST/1997/(PF)2017/3174

Read: Notification No. D.Tpt/EST/1997/(PF)2017//1775 dated 06-07-2017.

The following name of Directors on Board of Directors of Kadamba Transport Corporation Limited appearing at Sl. No. 1, 6 and 7 be corrected to read as follows:

1. Shri Samil Audumber Volvaiker, Keni, Colony, Corlim, Tiswadi-Goa.
2. Shri Shivdas Ramnath Shirodkar, Nachinola, Aldona, Bardez-Goa.
3. Shri Shivaji Narayan Gauns, Bhati, Anjuna, Bardez-Goa.

By order and in the name of the Governor of Goa.

Nikhil Desai, Director & ex officio Addl. Secretary (Transport).

Panaji, 13th September, 2017.

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